

EDM:rights Additional Values Task Force - recommendations for implementation.

This document contains the final recommendations of the Europeana Network task force on additional values for EDM:rights. The work of the task force has taken place between June 2012 and March 2013 and has consisted of two physical task force meetings (Leuven in June 2012 and Berlin in November 2012), online collaboration among the task force members and off line consultations with external stakeholders.

The final recommendations consist of two recommendations for new rights values and one recommendation to adjust the scope of one existing rights value. If approved these will be integrated into the review of the Europeana Licensing framework that is currently being undertaken by Workpackage 5 of Europeana Awareness. This review may result in additional technical changes to the way the rights statements are encoded but will not alter the substance of the rights statements as described in this document.

Out of copyright - non commercial reuse

The second meeting of the task force recommended 'that a new rights value for the edm:rights field is created. This rights value should use the contractual restrictions that result from a public private partnership as the trigger (to ensure that it cannot be applied to all PD material) and should indicate that the digital object can be freely accessed by anyone but may be re-used for non-commercial purposes only. The rights statement must, if publicly available, also contain an expiry year that notes the year in which the digital object can be reused by anyone for any purpose (and reverts to PDM).'

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| name | Out of copyright - non commercial reuse |
| edm:rights | http://www.europeana.eu/rights/no-copyright-nc/ |
| description | <p>This rights statement is intended for use with digital representations of public domain objects that have been digitized in a public private partnership wherein the partners have agreed to contractual limitations to take reasonable steps to limit or discourage commercial reuses.</p> <p>This rights statement may only be used for digital representations of objects where such contractual agreements exist and must, where publicly available, specify a year of expiration (the first calendar year in which the digital object can be used by third parties without restrictions on commercial use).</p> |
| statement text | This object has been digitized in a public-private partnership. As part of this partnership, the partners have agreed to limit commercial uses of this digital representation of the object by third parties [until the year xxxx] [only when |

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| | <p>that metadata is provided].</p> <p>You can, without permission, copy, modify, distribute, display, or perform the digital object, for non-commercial uses. For any other permissible uses, please review the terms and conditions of the data provider.</p> <p>In some jurisdictions moral rights of the author may persist beyond the term of copyright. These rights may include the right to be identified as the author and the right to object to derogatory treatments.</p> <p>When using this digital object please respect Europeana's usage Guidelines for public domain works.</p> |
| dependencies | <p>To store the year of expiry, we will need a new metadata field. The suggested field is edm:rightsExpirationDate. This field will be used to store a date [YYYY], when publicly available, that represents the first year in which the digital object can be used without any restrictions. In practice this would mean that this field can be used to query the database on a yearly basis and change the associated rights statements to PD.</p> |

Orphan work

The second meeting of the task force recommended 'the addition of a orphan works statement to the list of rights values for edm:rights.' Based on this recommendation we suggest the addition of the following statement to the list of rights values for edm:rights

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| name | Orphan work |
| edm:rights | http://www.europeana.eu/rights/eu-orphan/ |
| description | <p>The Orphan works statement can be applied to objects that have been identified as orphan works in the country of first publication and in line with the requirements of the national law implementing Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works.</p> |
| statement text | <p>This item has been identified as an orphan work in the country of first publication and in line Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works.</p> <p>For this item no rightholder(s) have been identified or, if one or more of them have been identified, none has been located despite a diligent search for the rightholders having been carried out. The results of the diligent</p> |

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| | <p>search are available at <link to online database>.</p> <p>If you have information about the identity or the location of the rightholder(s), please contact the data provider.</p> <p>You are free to make any of the acts permitted by your national copyright and related rights act, including browsing, printing and making a copy for your own personal purposes.</p> |
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Unknown rights statement.

The second meeting of the task force recommended 'to modify the description of the 'unknown' rights statement to clarify that it is not intended to describe the rights status of orphan works.'

In it's current iteration the unknown rights statement is structured as follows:

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| name | Unknown copyright status |
| edm:rights | http://www.europeana.eu/rights/unknown/ |
| description | The Unknown rights statement can be applied to objects for which the data provider does not have conclusive information pertaining to the rights status of the digital object (e.g. orphan works). This value is only to be used when the copyright status of the work described is unknown. This statement may be used by Europeana to exclude items from display and should therefore not be used without consultation with the Europeana Ingestion team. |
| statement text | <p>The copyright and related rights status of this item is unknown in the sense that the identity and/or location of the rights holder cannot be reasonably ascertained. This item is accessible, but its use is subject to the licensing conditions set by the organization giving access to it.</p> <p>Unless expressly stated otherwise in the licensing conditions, you are free to make any of the acts permitted by your national copyright and related rights act, including browsing, printing and making a copy for your own personal purposes. All other acts of reproduction and communication to the public are subject to the licensing conditions attached to the work.</p> |

Based on the recommendation of the task force it should be changed to:

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| name | Unknown copyright status |
| edm:rights | http://www.europeana.eu/rights/unknown/ |
| description | The Unknown rights statement can be applied to objects for which the data provider does not have conclusive information pertaining to the rights status of the digital object. This is intended for objects where a diligent search has not taken place (and which as a result cannot be labeled as orphan works) |

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| | but which have nevertheless been submitted to Europeana. This statement should not be used without prior consultation with the Europeana ingestion team. |
| statement text | <p>The copyright and related rights status of this digital object is unknown. Please refer to the website of the data provider for additional information.</p> <p>You are free to make any of the acts permitted by your national copyright and related rights act, including browsing, printing and making a copy for your own personal purposes.</p> |